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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/753,208

01/07/2004

Thomas E. Drake JR.

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7590

07/17/2006

BAKER BOTTS L.L.P.

2001 ROSS AVENUE

SUITE 600

DALLAS, TX 75201-2980

EXAMINER

SAINT SURIN, JACQUES M

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/753,208

Applicant(s)

DRAKE, THOMAS E.

Examiner

Jacques M. Saint-Surin

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/16/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 03/16/06 has been entered.

2. The indicated allowability of claims 13-19 is withdrawn in view of the newly discovered reference(s) to Boyd et al. (US Patent 5,014,293) in view of Michaels (US Patent 4,434,660). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd et al. (US Patent 5,014,293) in view of Halsey (US Patent 3,910,124).

Regarding claim 13, Boyd discloses an apparatus (scanner assembly shown in Fig. 1) for intact testing of an object, comprising, in combination:

means for scanning (gantry 12) the intact object (wing 40) mounted on a robot (gantry 12 is a robotic scanning);

a structure (21) dimensioned to receive the object (40) therewithin;

said robotic scanning means (12) supported by said structure (13) and including means to move (14, 16, 17 and 18) a scanning head (13) of said robotic scanning (12) means in three linear directions and at least two rotational directions (Boyd teaches five degrees of freedom, see: col. 3, lines 61-66 and col. 4, lines 1-10);

means to initialize said scanning head both with respect to said robot and with respect to the object (the CT scanner also includes means for manipulating the gantry to cooperate with an object to be scanned, see: col. 2, lines 12-13). However, Boyd does not disclose or suggest means to correlate data derived from scanning the object to a standard and comparison means to correlate data from the scanning means to a standard. Halsey discloses as pointed out previously, an electronic "standard" can be fed into the computer or other analytic circuitry 70 for comparison with the array of signals transmitted thereto from the segmented receiver 58; the electronic standard can be correlated with a predetermined cycle of the previously described object movements for a given specimen (see: col. 9, lines 4-10). It would have been obvious to one having ordinary skill in the art at the time of the invention to utilize in Boyd the techniques of Hasley because scanning can then be repeated at various zoom positions for further condition analysis in order to provide a reliable and accurate inspection.

Regarding claims 15-16, Boyd discloses to scan an object, the gantry may be rotated or the x-ray source and detector array may be moved along the gantry, or both., see: col. 3, lines 32-34.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd et al. (US Patent 5,014,293) in view of Halsey (US Patent 3,910,124) and further in view of Michaels (US Patent 4,434,660).

Regarding claim 14, Boyd in view of Halsey does not disclose six degrees of freedom. Michaels discloses scanning truck 1 is a frame having six degrees of freedom of motion which enables the computer control system to move scanner head to any desired position over the test object and to tilt scanner head at an angle to the surface and support scanning truck 1 (see: col. 5, lines 61-68). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Boyd and Halsey for the scanning of Michaels because it would provide the ability to scan from any position in an efficient manner.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd et al. (US Patent 5,014,293) in view of Michaels (US Patent 4,434,660) and further in view of Lobb et al. (US Patent 5,045,936).

Regarding claims 17-19, Boyd in view of Michaels does not disclose scanning head generating a laser scan, an electromagnetic scan and a radar scan. Lobb discloses a laser light source connected to an input of the scanning head, the scanning head being operable to project a laser beam into the input of the optical system such that the angle between the beam and the axis is scanned in raster fashion, see: col. 2, lines 18. Lobb further discloses throughout the specification we will refer to "light", "optical" and like expressions. It will be understood, however, that the present invention is not restricted to electromagnetic radiation of visible wavelengths, but may

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apply to other wavelengths such as infra-red and ultraviolet, see: col. 1, lines 43-51. It would have been obvious to one having ordinary skill in the art at the time of the invention to utilize in Boyd in view of Michaels the techniques of Lobb because the scanning would not be limited to a specific system which makes the above combination more effective and efficient.

7. The request for interference has been considered and reviewed. However, the rejected claims must be addressed primarily before the initiation of the interference. Procedure.

Allowable Subject Matter

8. Claims 9-12 are allowed.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques M. Saint-Surin whose telephone number is (571) 272-2206. The examiner can normally be reached on Mondays to Fridays between 10:30 A.M and 800 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

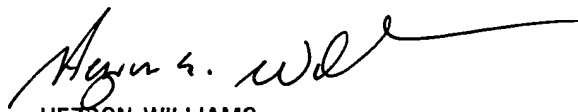
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jacques M. Saint-Surin
July 9, 2006



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